

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

MaKesha Michelle Smith,)
Plaintiff,) Civil Action No. 6:12-2533-TMC
vs.)
St. Francis Hospital, JoAnn Taylor, and)
Shauna Green,)
Defendants.)

)

ORDER

Plaintiff filed this action alleging a violation of the Family Medical Leave Act. In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02, D.S.C., this matter was referred to a magistrate judge for pretrial handling. Before the court is the magistrate judge's Report and Recommendation ("Report"), recommending that the court grant Defendants' motion for summary judgment (ECF No. 73). (ECF No. 90). Plaintiff has filed objections to the Report. (ECF No. 93). Accordingly, this matter is ripe for review.

The Report has no presumptive weight and the responsibility to make a final determination in this matter remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The court need not conduct a de novo review when a party makes only "general and conclusory objections that do not direct the court to a specific error in the magistrate's proposed findings and recommendations." *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). In that case, the court reviews the Report only for clear error. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

Plaintiff's deadline for filing objections was February 14, 2014. The objections were postmarked February 15, 2014, and received by the court on February 19, 2014.¹ Despite the apparent untimeliness, the court has thoroughly reviewed Plaintiff's objections. To the extent Plaintiff's objections address specific portions of the Report, they merely re-assert the position she took in response to Defendants' motion for summary judgment and fail to show any errors in the Report's analysis.² The remainder of Plaintiff's objections are general, non-responsive, and provide no basis for this court to deviate from the magistrate judge's recommended disposition.³ After a thorough review of the Report, as well as the entire record in this case, the court adopts the Report and incorporates it herein. Accordingly, Defendants' motion for summary judgment (ECF No. 73) is **GRANTED**.

IT IS SO ORDERED.

s/Timothy M. Cain

United States District Judge

February 24, 2014
Anderson, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.

¹ The Report contained a notice informing the parties of the right to file objections and the consequences of a failure to file specific, written objections within the stated time period.

² In fact, the document filed in response to the Report is captioned as "Objections to the Motion for Summary Judgment."

³ In particular, Plaintiff's objections attempt to support a Title VII race discrimination and a possible Americans with Disabilities Act claim. However, her complaint does not allege either of these causes of action, so those issues are not properly before the court.